SUPREME COURT, U.S.
FILED
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No. 02-512

IN THE

Supreme Court of the United States

UNITED HOSPITAL CENTER *et al.*,

Petitioners,

v.

DANIEL GUIDA,

Respondent.

On Petition for a Writ of Certiorari to the Supreme Court of West Virginia

BRIEF OF RESPONDENT WEST VIRGINIA REHABILITATION HOSPITAL, INC. IN SUPPORT OF THE PETITION FOR A WRIT OF CERTIORARI

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October 21, 2002

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QUESTION PRESENTED

Whether the Due Process Clause of the Fourteenth Amendment prohibits state courts from allowing a class representative to sue private parties that are not alleged to have caused the named plaintiff any injury whatsoever.

PARTIES TO THE PROCEEDING

The parties to the proceeding are West Virginia Rehabilitation Hospital, Inc. ("Respondent in Support"), a defendant in the courts below who did not join the Petition for a Writ of Certiorari to this Court, but now files this Brief of Respondent West Virginia Rehabilitation Hospital, Inc. in Support of the Petition for a Writ of Certiorari, the 54 defendants listed immediately below who joined the Petition for a Writ of Certiorari to this Court, 13 other defendants listed below who did not join the Petition, and Respondent.

The Petitioners are: Appalachian Regional Healthcare, Inc. d/b/a Beckley Appalachian Regional Hospital, Appalachian Regional Healthcare, Inc. d/b/a Man Appalachian Regional Healthcare Hospital, Boone Memorial Hospital, Braxton County Memorial Hospital, Inc., Broaddus Hospital, Cabell Huntington Hospital, Camden-Clark Memorial Hospital Corporation, Charleston Area Medical Center, ChartOne, Inc., City Hospital, Inc., Community Health Assoc. d/b/a Jackson General Hospital, Davis Memorial Hospital, Eye and Ear Clinic of Charleston, Fairmont General Hospital, Inc., Grafton City Hospital, Grant Memorial Hospital Trust Foundation, Inc., Greenbrier Valley Medical Corp./Triad, Herbert J. Thomas Memorial Hospital, Highland Hospital Foundation, Inc., Jefferson Memorial Hospital, Medcor, Inc., Minnie Hamilton Health Care Center, Inc, Monongalia County General Hospital Company, Montgomery General Hospital, Morgan County War Memorial Hospital, Ohio Valley Medical Center, Plateau Medical Center, Inc., Pocahontas Memorial Hospital, Preston Memorial Hospital, Princeton Community Hospital Assoc., Putnam General Hospital, Raleigh General Hospital, Rebound Inc., Rehabilitation Hospital Corporation of America, Rehabilitation Hospital Corporation of America, d/b/a Healthsouth Western Hills, Rehabilitation Hospital Corporation of America, d/b/a Healthsouth Southern Hills,

Reynolds Memorial Hospital, Smart Document Solutions, LLC (formerly known as Smart Professional Photocopy Corporation), Saint Francis Hospital, St. Luke's Princeton LLC d/b/a St. Lukes Hospital, St. Joseph's Hospital, St. Joseph's Hospital of Buckhannon, Inc., St. Mary's Hospital of Huntington, Inc., Stonewall Jackson Memorial Hospital Co., Summers County Appalachian Regional Hospital, Summersville Memorial Hospital Comm., Tri-City Health Services, Inc. d/b/a HCA Columbia River Park Hospital, United Hospital Center, Inc., Webster County Memorial Hospital, Inc., West Virginia Rehabilitation Hospital, Inc., d/b/a Healthsouth Mountain View, West Virginia University Medical Corporation, Inc., West Virginia University Hospitals, Inc., Wetzel County Hospital, and Wheeling Hospital, Inc.

The defendants, other than West Virginia Rehabilitation Hospital, Inc., who did not join the Petition for a Writ of Certiorari to this Court are: EHI Tri-Star, Inc., Hampshire Memorial Hospital, Inc., Health Management Assoc. d/b/a Williamson Memorial Hospital, Information Professionals, Mildred Mitchell-Bateman Hospital Aux., Inc., Pleasant Valley Hospital, Inc., Potomac Valley Hospital of W.Va., Inc., Psychiatric Institute of West Virginia, Inc. d/b/a Chestnut Ridge Psychiatric Hospital, Recordex Acquisition Corp., Richwood Area Community Hospital, Inc., Roane General Hospital Foundation, Inc., Sistersville General Hospital, Inc., and Weirton Medical Center, Inc.

Respondent in Support West Virginia Rehabilitation Hospital, Inc. is a non-governmental corporation whose ultimate parent corporation is Healthsouth Corp. FMR Corp., as parent company of various Fidelity mutual funds, reported as of December 31, 2001, that various Fidelity mutual funds beneficially owned more than 10% of Healthsouth Corp.'s common stock. Healthsouth Corp. is unaware of the current holdings of FMR Corp. and its affiliates. Healthsouth Corp.

has not received notice of any other holders of more than 10% of Healthsouth Corp.'s common stock.

BRIEF OF RESPONDENT WEST VIRGINIA REHABILITATION HOSPITAL, INC. IN SUPPORT OF THE PETITION FOR A WRIT OF CERTIORARI

Pursuant to Supreme Court Rule 12.6, Respondent in Support of the Petition, West Virginia Rehabilitation Hospital, Inc., hereby files this Brief of Respondent West Virginia Rehabilitation Hospital, Inc. in Support of the Petition for a Writ of Certiorari. Respondent in Support adopts and incorporates the reasons for granting a writ of certiorari contained within the Petition for a Writ of Certiorari filed in this case by the 54 Petitioners-Defendants.

CONCLUSION

Respondent in Support respectfully requests that the Court grant the Petition for a Writ of Certiorari filed in this case and issue a writ of certiorari to review the decisions of the West Virginia courts.

Respectfully submitted,

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